

LIST B

Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express & Station Employees
Brotherhood of Maintenance of Way Employees
The Order of Railroad Telegraphers
Brotherhood of Railroad Signalmen
Hotel & Restaurant Employees & Bartenders' International Union

Executive Order 11171

THE CANAL ZONE MERIT SYSTEM AND REGULATIONS RELATING TO
CONDITIONS OF EMPLOYMENT IN THE CANAL ZONE

By virtue of the authority vested in me by Section 155 of Title 2 of the Canal Zone Code (76A Stat. 19), and as President of the United States, it is hereby ordered as follows:

SECTION 1. As used in this order:

(1) The term "subchapter III" shall mean subchapter III of Chapter 7 of Title 2 of the Canal Zone Code (76A Stat. 16-20).

(2) The terms "department," "position," "employee," and "continental United States" shall have the meanings ascribed to them in Section 141 of Title 2 of the Canal Zone Code.

(3) The term "competitive civil service" shall have the same meaning as the words "competitive service," "classified service," "classified (competitive) service," or "classified civil service" as defined in existing statutes and Executive orders.

SEC. 2. (a) Subject to the further provisions of this order, there is delegated to the Secretary of the Army the authority vested in the President by Sections 142 and 155 of Title 2 of the Canal Zone Code:

(1) To exclude any employee or position from any or all provisions of subchapter III.

(2) To extend to any employee, whether or not such employee is a citizen of the United States, the same rights and privileges as are provided by applicable laws and regulations for citizens of the United States employed in the competitive civil service of the Government of the United States.

(3) To coordinate the policies and activities of the respective departments under subchapter III.

(4) To promulgate such regulations as may be necessary and appropriate to carry out the provisions and accomplish the purposes of subchapter III.

(b) The Secretary of the Army may redelegate any of the authority delegated to him by subsection (a) of this section.

(c) In promulgating regulations pursuant to the authority delegated by this section (including regulations with respect to the matters covered by Sections 3 and 4 of this order), the Secretary of the Army shall give effect to the following-described policies:

(1) Employment standards, rates of basic compensation, availability of training facilities and programs shall be applied uniformly

Note: This E.O. definitely puts the USCSC in the driver's seat with respect to having final approving authority over policies, programs and standards for the Panama Canal Zone Merit System. FGJ 4/15/70

among all departments in the Canal Zone to all employees irrespective of whether they are citizens of the United States or of the Republic of Panama.

(2) Positions which are designated by the heads of agencies, under Section 147 of Title 2 of the Canal Zone Code, as those which for security reasons shall be filled by a citizen of the United States may include, but are not limited to, (i) those involving security of property, (ii) those involving access to defense information classified pursuant to Executive Order No. 10501 of November 5, 1953, as amended, (iii) those which require the use of United States citizens to insure continuity and capability of operation and administration of activities in the Canal Zone by the United States Government. Nothing in this order shall be deemed to modify or supersede any provision of either Executive Order No. 10501 of November 5, 1953, as amended, or Executive Order No. 10450 of April 25, 1953.

(3) Exclusions of employees or positions from any or all provisions of subchapter III and the extension of rights and privileges to employees, as provided in Section 142(b) of Title 2 of the Canal Zone Code, shall be made only in accordance with regulations issued under this order. Such regulations shall provide for excluding employees or positions from the Canal Zone Merit System only for reasons for which exclusions or exceptions are made from the competitive civil service.

(d) Prior to the promulgation of regulations under this order, the Secretary of the Army shall consult with the Department of the Navy, the Department of the Air Force, other components of the Department of Defense having employees in the Canal Zone, the Panama Canal Company, the Canal Zone Government, the Civil Service Commission, and such other agencies having employees in the Canal Zone as he may determine.

SEC. 3. (a) There is established, as provided for in Section 149 of Title 2 of the Canal Zone Code, a Canal Zone Merit System of selection for appointment, reappointment, reinstatement, re-employment, and retention with respect to positions, employees, and individuals under consideration for appointment to positions. In accordance with the provisions of Section 149, the Canal Zone Merit System shall—

(1) be based solely on the merit of the employee or individual and upon his qualifications and fitness to hold the position concerned;

(2) apply uniformly within and among all departments, positions, employees, and individuals concerned;

(3) conform generally to policies, principles, and standards established by or in accordance with the Civil Service Act of January 16, 1883, as amended and supplemented; and

(4) include provision for appropriate interchange of citizens of the United States employed by the Government of the United States between such merit system and the competitive civil service of the Government of the United States. Provisions for interchange which involve movement from the Canal Zone Merit System to the competi-

five civil service of the Government of the United States shall be subject to the concurrence of the Civil Service Commission.

(b) Regulations promulgated under this order with respect to the Canal Zone Merit System shall be issued only after advice has been received from the Civil Service Commission that such regulations conform generally to policies, principles, and standards established by or in accordance with the Civil Service Act of January 16, 1883, as amended and supplemented.

(c) The Civil Service Commission is directed to make periodic review of the operations of the Canal Zone Merit System for conformity with the requirements of subchapter III, this order, and regulations promulgated under Section 2 thereof, and shall report its findings to the Secretary of the Army.

SEC. 4. (a) There is established, as provided for in Section 152 of Title 2 of the Canal Zone Code, a Canal Zone Board of Appeals to review and determine the appeals of employees. The Board shall consist of five members, all of whom shall be civilians appointed by the Secretary of the Army (and one of whom shall be designated by him as chairman), as follows:

(1) One member shall be nominated by the Civil Service Commission.

(2) Two members shall be selected from among employees of the United States Government agencies in the Canal Zone and shall be appointed only after consultation with and advice from organizations representing such employees.

(3) Two members shall be selected by the Secretary of the Army.

(b) For each member of the Board, the Secretary of the Army shall appoint an alternate member, who shall be a civilian nominated or selected in the same manner as the Board member for whom he is an alternate. An alternate member shall serve on the Board whenever, for any reason, the member for whom he is an alternate is unable to serve.

(c) Decisions of the Board shall be made by majority vote of the members.

SEC. 5. (a) Existing rules and regulations issued, and other actions taken, pursuant to Executive Order No. 10794 of December 10, 1958, and in effect immediately prior to the issuance of this order, shall remain in effect under the comparable provisions of this order until they are superseded in accordance with provisions of this order or until they expire by their own terms.

(b) Executive Order No. 10794 of December 10, 1958, is hereby superseded.

LYNDON B. JOHNSON

THE WHITE HOUSE,
August 18, 1964.